

In re: New York City Policing During Summer 2020 Demonstrations, No. 20 Civ. 8924 (CM)(GWG)

Conforti Report and Related Materials:
Defendants' Privilege Log Updated June 24, 2022

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
1.	"Conforti Report"	Final draft of after-action report regarding NYPD policing of George Floyd related protests in NYC from May 25 – June 30, 2020	Assistant Chief Thomas Conforti	Draft after-action review of protests in NYC between May 25-June 30, 2020, and response by NYPD, presenting the author's personal opinions as to the efficacy of existing NYPD protocols for responding to mass demonstrations and other relevant protocols, as well as draft suggestions for amending certain agency policies and procedures	Prepared at the direction of then-NYPD Commissioner Shea and distributed to various NYPD Chiefs, the entirety of whose identities are unknown as of present, but which included Deputy Commissioner for Legal Matters Ernest F. Hart	August 15-20, 2020	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
2.	“Notes – EDP Story – Protest”	Seven-page document consisting of a mix of typed and handwritten notes, some in bulleted outline format, by Conforti regarding an incident at a protest	Assistant Chief Thomas Conforti	Conforti’s notes about an incident involving an emotionally disturbed person (“EDP”) at a protest and Conforti’s personal assessment of the propriety of police actions taken	N/A	Undated	Deliberative Process Privilege
3.	“Email Thread Re: Media Interviews & Inquiries – DCPI”	Six-page document comprised of print-outs of two separate emails: (1) one dated 7/7/2020, from Denise Moroney of NYPD to Asst. Chief Conforti, copying G.E. Sylvester of NYPD, with subject line “Allison McCann,” regarding a media inquiry from Ms. McCann at the <i>New York Times</i> ; and (2) a second email dated 7/6/2020, from DCPI at NYPD to DCPI at NYPD, with subject line “The Outlook – Monday, July 6, 2020.”	Denise Moroney, NYPD; DCPI (NYPD)	The first email in this pdf file is dated 7/7/2020, from Denise Moroney of NYPD to Asst. Chief Conforti, copying G.E. Sylvester of NYPD, with subject line “Allison McCann,” discussing a media inquiry from Ms. McCann at the <i>New York Times</i> , including a draft response from NYPD to the same. The second email in this pdf is dated 7/6/2020 and was sent from DCPI at NYPD to DCPI at NYPD, with subject “The Outlook – Monday, July 6, 2020;” it contains a list of other media inquiries plus draft responses from the NYPD to each one.	Assistant Chief Thomas Conforti; G.E. Sylvester (cc); DCPI (NYPD)	7/6/2020; 7/7/2020	Deliberative Process Privilege
4.	“Notes – CJB”	Twenty-six (26) page pdf document containing mixture of handwritten and typed notes and notations, some in bulleted lists, others in	Assistant Chief Thomas Conforti	Notes and notations by Conforti regarding thoughts and ideas for possible inclusion in draft after-action report regarding police response to George Floyd related protests from May 25-June 30,	N/A	Undated	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
		numeric outline format; some are preceded by labels such as “Critiques” or “Recommendations”		2020, including the author’s personal thoughts and ideas as to “critiques” and “recommendations” on various issues			
5.	“After Action Plan Final2”	Draft of after-action report regarding NYPD policing of George Floyd related protests in NYC from May 25 – June 30, 2020	Assistant Chief Conforti	Draft after-action review of protests in NYC between May 25-June 30, 2020, and response by NYPD, presenting the author’s personal opinions as to the efficacy of existing NYPD protocols for responding to mass demonstrations and other relevant protocols, as well as draft suggestions for amending certain agency policies and procedures	N/A	Undated	Deliberative Process Privilege
6.	“After Action Discussion Document”	Summary of “main takeaways” from Conforti’s draft after action report regarding police response to George Floyd protests from May 25-June 30, 2020, with Conforti’s personal opinions, thoughts, and ideas for changes to NYPD policies and procedures (and <u>not including</u> any “factual takeaways”)	Assistant Chief Conforti	Summary of “main takeaways” from Conforti’s draft after action report regarding police response to George Floyd protests from May 25-June 30, 2020, with Conforti’s personal opinions, thoughts, and ideas for changes to NYPD policies and procedures (and <u>not including</u> any “factual takeaways”)	N/A	Undated	Deliberative Process Privilege

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7.	“The NYPD is world renown”	Draft paragraph beginning, “The NYPD is world renown...”	Assistant Chief Conforti	Draft introductory paragraph to Conforti after action report regarding police response to George Floyd protests from May 25-June 30, 2020	N/A	Undated	Deliberative Process Privilege
8.	“De-arrest”	Draft 1-page section of Conforti after-action report	Assistant Chief Conforti	Draft 1-page section of Conforti after-action report regarding “de-arresting,” a term activists use to describe actions to intervene in law enforcement arrests, containing Conforti’s personal thoughts and opinions on the topic	N/A	Undated	Deliberative Process Privilege
9.	“Over this period”	Draft 2-paragraph section of Conforti after-action report, beginning with phrase, “Over this period...”	Assistant Chief Conforti	Draft 2-paragraph section of Conforti after-action report regarding City government observers at protests, including Conforti’s personal opinions and suggestions regarding this issue	N/A	Undated	Deliberative Process Privilege
10.	“The Intelligence Bureau is the primary source...”	Two-page draft section of after-action report beginning with phrase, “The Intelligence Bureau is the primary source...”	Assistant Chief Conforti	Draft section of Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, regarding NYPD’s Intelligence Bureau, including Conforti’s personal thoughts, opinions, and ideas for changes to relevant NYPD policy and procedure	N/A	Undated	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
11.	“After Action. Andrews”	Thirty-six page draft (or excerpt of draft) after-action report by Conforti, with tracked changes and comments in redline by Deputy Commissioner Andrews (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Tracked changes and comments – Deputy Comm’r Andrews	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, revealing mark-ups in track changes by Deputy Commissioner Andrews in the form of insertions, deletions, comments, questions, thoughts, and suggestions (none of which contain any distinct factual information)	N/A	Undated	Deliberative Process Privilege
12.	“misc”	Three pages of rough notes and draft paragraphs on various topics for inclusion in Conforti’s draft after-action report (which do not contain any distinct factual information from the content of Conforti’s final draft report)	Assistant Chief Conforti	Three pages of rough notes and draft paragraphs on various topics for inclusion in Conforti’s draft after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, with Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures (which do not contain any distinct factual information from the content of Conforti’s final draft report)	N/A	Undated	Deliberative Process Privilege

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13.	“miscii”	One-page draft section for inclusion in Conforti’s draft after-action report (which does not contain any distinct factual information from the content of Conforti’s final draft report)	Assistant Chief Conforti	Draft version of some of Conforti’s personal thoughts, opinions, and recommendations as to certain NYPD policies and procedures involved in protest policing, for possible inclusion in draft after-action regarding police response to George Floyd protests from May 25-June 30, 2020 (which does not contain any distinct factual information from the content of Conforti’s final draft report)	N/A	Undated	Deliberative Process Privilege
14.	“NYPD half and half Andrews edits”	Forty page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments, likely by Deputy Commissioner Andrews (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Highlighted comments and questions – (Likely) Deputy Comm’r Andrews	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, revealing highlighted questions and comments, thoughts, and ideas, likely by Deputy Commissioner Andrews (none of which contain any distinct factual information)	N/A	Undated	Deliberative Process Privilege
15.	“NYPD half and half”	Forty-one page draft (or excerpt of draft) after-action report by Conforti, with highlighted	Primary draft – Assistant Chief	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May	N/A	Undated	Deliberative Process Privilege

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		questions and comments in text (none of which contain any distinct factual information)	Conforti; Highlighted comments and questions – Unknown	25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, showing highlighted questions, comments, and ideas in text – (none of which contain any distinct factual information)			
16.	"NYPD half and half Andrews edits finallll"	Forty-one page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments in text, likely inserted by Deputy Comm'r Andrews (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Highlighted comments and questions – Likely Deputy Comm'r Andrews	Draft of (or draft excerpt of) Conforti's after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, with highlighted questions and comments, thoughts, and ideas, likely by Deputy Commissioner Andrews, in the text (none of which contain any distinct factual information)	N/A	Undated	Deliberative Process Privilege
17.	"NYPD half and half Andrews edits final"	Forty page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments, likely by Deputy Commissioner Andrews (none of which contain	Primary draft – Assistant Chief Conforti; Highlighted comments and questions –	Draft of (or draft excerpt of) Conforti's after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, with highlighted	N/A	Undated	Deliberative Process Privilege

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		any distinct factual information)	Likely Deputy Comm'r Andrews	questions and comments, thoughts, and ideas, likely by Deputy Commissioner Andrews, in the text (none of which contain any distinct factual information)			
18.	“After Action Plan Near final1”	Forty-two page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Highlighted comments and questions – Unknown	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, with text showing inserted questions and comments, thoughts/suggestions in highlighting (none of which contain any distinct factual information)	N/A	Undated	Deliberative Process Privilege
19.	“After Action Plan Near final”	Forty-three page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Highlighted comments and questions – Unknown	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, with text showing inserted questions and comments, thoughts/suggestions in highlighting (none of which	N/A	Undated	Deliberative Process Privilege

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				contain any distinct factual information)			
20.	“After Action Plan Near final. Andrews”	Forty-four page draft (or excerpt of draft) after-action report by Conforti, with highlighted questions and comments (none of which contain any distinct factual information)	Primary draft – Assistant Chief Conforti; Highlighted comments and questions – Likely Deputy Comm’r Andrews	Draft of (or draft excerpt of) Conforti’s after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti’s personal thoughts, opinions, and ideas for changes to NYPD policies and procedures, with questions, comments, thoughts, and suggestions highlighted in text (none of which contain any distinct factual information)	N/A	Undated	Deliberative Process Privilege
21.	“Recommendation”	Four-page list of solely draft recommendations for possible inclusion in draft after-action report	Assistant Chief Conforti	Four-page list of Conforti’s personal thoughts and opinions on <u>solely draft</u> recommendations for changes to existing NYPD policies and procedures, plus drafts of ideas for new policies and procedures to implement	N/A	Undated	Deliberative Process Privilege
22.	“nypd addd”	Two-page document containing notes and rough drafts of paragraphs for inclusion in draft after-action report (which do not contain any distinct factual information from	Assistant Chief Conforti	Notes and rough drafts of paragraphs on various unrelated topics for possible inclusion in Conforti’s draft after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, with Conforti’s personal thoughts, opinions, and ideas for changes	N/A	Undated	Deliberative Process Privilege

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		the content of Conforti's final draft report)		to NYPD policies and procedures (which do not contain any distinct factual information from the content of Conforti's final draft report)			
23.	"Additional Findings"	Draft paragraph titled "Additional Findings" for possible inclusion in draft after-action report (which does not contain any distinct factual information from the content of Conforti's final draft report)	Assistant Chief Conforti	Draft paragraph titled "Additional Findings" for possible inclusion in draft after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures (which does not contain any distinct factual information from the content of Conforti's final draft report)	N/A	Undated	Deliberative Process Privilege
24.	"Technology played an important role..."	One-page draft section for possible inclusion in draft after-action report, beginning with phrase, "Technology played an important role..."	Assistant Chief Conforti	One-page draft section for possible inclusion in draft after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures	N/A	Undated	Deliberative Process Privilege
25.	"After Action"	Two-page document containing notes and notations, mostly phrases	Assistant Chief Conforti	Two-page document containing notes and notations, mostly phrases and incomplete	N/A	Undated	Deliberative Process Privilege

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		and incomplete sentences or questions, created in connection with draft after-action report (which does not contain any distinct factual information from the content of Conforti's final draft report)		sentences or questions, created in connection with draft after-action report regarding police response to George Floyd protests from May 25-June 30, 2020, including Conforti's personal thoughts, opinions, and ideas for changes to NYPD policies and procedures (which does not contain any distinct factual information from the content of Conforti's final draft report)			
26.	"PowerPoint Presentation"	PowerPoint presentation prepared and by Conforti delivered to NYPD executives on 9/29/2020, based on Conforti's draft after-action report and setting forth his personal thoughts, conclusions, and recommendations resulting from his review process	Assistant Chief Conforti	PowerPoint presentation prepared and by Conforti delivered to NYPD executives on 9/29/2020, based on Conforti's draft after-action report and setting forth his personal thoughts, conclusions, and recommendations resulting from his review process	The presentation was delivered by Conforti to various NYPD executives on 9/29/2020, whose specific identities are unknown as of the present date	9/29/20	Deliberative Process Privilege

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27.	“Mark-up of Draft Conforti Report dated 9/11/20”	Draft of Conforti Report labeled “September 11, 2020,” containing handwritten comments and suggested edits and revisions in red pen (none of which contain any distinct factual information)	Draft after-action report – Assistant Chief Conforti; mark-ups in red pen – unknown	Draft of Conforti Report containing handwritten comments and suggested edits and revisions in red pen (none of which contain any distinct factual information)	Conforti and unknown	9/11/20	Deliberative Process Privilege
28.	“Mark-up of Draft Conforti Report dated 8/11/20”	Draft of Conforti Report with handwritten marking, “8/11 version,” at top of first page, containing handwritten comments and suggested edits and revisions in blue pen (none of which contain any distinct factual information)	Draft after-action report –Assistant Chief Conforti; handwritten edits, comments, and ideas – unknown	Draft of Conforti Report containing handwritten comments and suggested edits and revisions in blue pen (none of which contain any distinct factual information)	Conforti and Miller	8/11/20	Deliberative Process Privilege
29.	“After Action Summary – Direction of the Police Commissioner”	Draft PowerPoint presentation prepared by Conforti and ultimately delivered to NYPD executives on 9/29/2020, based on Conforti’s draft after-action report and setting forth his personal thoughts, conclusions, and recommendations for policy and procedure changes (contains no factual information not contained in the final	Assistant Chief Conforti	Draft PowerPoint presentation prepared by Conforti and ultimately delivered to NYPD executives on 9/29/2020, based on Conforti’s draft after-action report and setting forth his personal thoughts, conclusions, and recommendations for policy and procedure changes (contains no factual information not contained in the final version of the presentation delivered on 9/29/2020)	N/A	8/27/20	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
		version of the presentation delivered on 9/29/2020)					
30.	“George Floyd After-Action Discussion”	Typed notes of talking points prepared by Conforti for his presentation of the finalized PowerPoint presentation to NYPD executives on 9/29/2020, based on Conforti’s draft after-action report and setting forth his personal thoughts, conclusions, and recommendations for policy and procedure changes (the notes contain no factual information)	Assistant Chief Conforti	Talking points on prepared by Conforti for his presentation of the finalized PowerPoint presentation to NYPD executives on 9/29/2020, based on Conforti’s draft after-action report and setting forth his personal thoughts, conclusions, and recommendations for policy and procedure changes (the notes contain no factual information)	N/A	Unknown	Deliberative Process Privilege
31.	“After Action Report Edits – Email Thread From Chernyavsky, Oleg”	Email from Oleg Chernyavsky to Chief Conforti, Vincent Grippo, Paul Deentremont, John Miller, Ernest Hart, and Paul Mauro, dated 11/21/2020, re: “After Action Report edits,” containing Chernyavsky’s thoughts, impressions, and suggestions for both	Oleg Chernyavsky	Email from Oleg Chernyavsky to Chief Conforti and several NYPD Chiefs and high-level officers, containing Chernyavsky’s thoughts, impressions, and suggestions for both stylistic and substantive edits and revisions to Conforti’s draft report, attaching draft Conforti report with comments and track changes reflecting Chernyavsky’s personal opinions and ideas for improvement (none	Chief Conforti; Vincent Grippo; Paul Deentremont; John Miller; Ernest Hart; Paul Mauro	11/21/20	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
		stylistic and substantive edits and revisions to Conforti's draft report; and attaching draft Conforti report with comments and track changes reflecting Chernyavsky's personal opinions and ideas for improvement (none of which contain any distinct factual information)		of which contain any distinct factual information)			
32.	"Draft Forward to After Action Report – Email From Andrew, William"	Email from Deputy Commissioner William Andrews to Asst. Chief Conforti dated 11/29/2020, re: "DRAFT Forward to After Action Report," followed by proposed draft foreword to Conforti's draft after-action report, presented in the form of a letter from then-Commissioner Shea to then-Mayor de Blasio (neither Andrews's email nor his draft foreword contain any distinct factual information that is not subsumed within the	Deputy Comm'r Andrews	Email from Deputy Commissioner William Andrews to Asst. Chief Conforti describing intention of proposed draft foreword to draft after action report and setting forth thoughts, opinions, and ideas for improvements, additions, and other changes to the draft foreword and the draft report; draft foreword to draft report, presented in the form of a letter from then-Commissioner Shea to then-Mayor de Blasio, providing overview of Conforti's main takeaway thoughts and opinions about the summer 2020 protests and ideas for policy changes, as set forth in his draft	Asst. Chief Conforti	11/29/20	Deliberative Process Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
		final draft version of Conforti's report)		report. (Neither Andrews's email nor his draft foreword contain any distinct factual information that is not subsumed within the final draft version of Conforti's report)			
33	"Draft Letter with After Action Report to Mayor de Blasio"	Unsent draft of letter from Chief Conforti to Mayor de Blasio describing draft after-action report and Conforti's thoughts and opinions set forth therein	Assistant Chief Conforti	Unsent draft of letter from Chief Conforti to Mayor de Blasio describing draft after-action report and Conforti's thoughts and opinions set forth therein	N/A	Unknown	Deliberative Process Privilege
34	"After Action Report – Active Shooter BX Lebanon Hospital – June 30, 2017"	NYPD After Action Report evaluating police response to the June 30, 2017 active shooter incident at Bronx-Lebanon Hospital; describes strategies and tactics employed by NYPD during said incident, "lessons learned" by NYPD from that incident, and providing recommendations for policy and procedure changes going forward	NYPD's Office of Management Analysis and Planning (OMAP)	NYPD After Action Report evaluating police response to the June 30, 2017 active shooter incident at Bronx-Lebanon Hospital; describes strategies and tactics employed by NYPD during said incident, "lessons learned" by NYPD from that incident, and providing recommendations for policy and procedure changes going forward	N/A	Report is undated but refers to incident on June 30, 2017	Law Enforcement Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
35.	“Power Outage Plan – May 13, 2020 – DC Mullane”	Outline and summary of content of presentation by Deputy Chief Edward Mullane on May 13, 2020, regarding NYPD’s tactical and operational plan for responding to possible power outages in the city	Deputy Chief Edward Mullane	Outline and summary of content of presentation by Deputy Chief Edward Mullane on May 13, 2020, regarding NYPD’s tactical and operational plan for responding to possible power outages in the city	N/A	May 13, 2020	Law Enforcement Privilege
36.	“MTS Unusual Disorder Control Plan – 2020”	Unusual Disorder Control Plan for Midtown South Precinct (2020), describing sensitive and confidential law enforcement contingency plans, strategies and tactics should any disorder events occur within the command	NYPD	Unusual Disorder Control Plan for Midtown South Precinct (2020), describing sensitive and confidential law enforcement contingency plans, strategies and tactics should any disorder events occur within the command	N/A	2020	Law Enforcement Privilege
37.	“Major Incident Action Plan – PBMS”	Two-page document describing order of actions to be taken, including law enforcement strategies and tactics should a major incident occur within the confines of the Patrol Borough Manhattan South (PBMS)	NYPD	Two-page document describing order of actions to be taken, including law enforcement strategies and tactics should a major incident occur within the confines of the Patrol Borough Manhattan South (PBMS)	N/A	Undated	Law Enforcement Privilege
38.	“DB SMART Case Management Breakdown 2020”	Report on activities of the Social Media Analysis and Research Team (“S.M.A.R.T.”) from May 28 to June 2, 2020, including confidential law	NYPD S.M.A.R.T. Team	Report on activities of the Social Media Analysis and Research Team (“S.M.A.R.T.”) from May 28 to June 2, 2020, including confidential law enforcement methods and techniques for investigating	N/A	May 28 – June 2, 2020	Law Enforcement Privilege

	Title	Document Type	Author	Subject Matter	Recipients	Date	Privilege Asserted
		enforcement methods and techniques for investigating potential threats to city-wide public safety and security as well as specific targets		potential threats to city-wide public safety and security as well as specific targets			
39.	"NYPD Intelligence Bureau"	Presentation dated July 2020, prepared by the NYPD Intelligence Bureau regarding "individuals who advocate and commit unlawful conduct, including violence and property damage," at George Floyd related protests, containing highly sensitive and confidential law enforcement information on strategies and techniques for investigating, thwarting, and responding to these types of unlawful and dangerous conduct, as well as information on specific groups and individuals that had announced public threats and/or plans to commit acts of violence and other crimes during protests, the modus operandi of such groups and individuals, and similar information	NYPD Intelligence Bureau	Presentation dated July 2020, prepared by the NYPD Intelligence Bureau regarding "individuals who advocate and commit unlawful conduct, including violence and property damage," at George Floyd related protests, containing highly sensitive and confidential law enforcement information on strategies and techniques for investigating, thwarting, and responding to these types of unlawful and dangerous conduct, as well as information on specific groups and individuals that had announced public threats and/or plans to commit acts of violence and other crimes during protests, the modus operandi of such groups and individuals, and similar information	N/A	July 2020	Law Enforcement Privilege